



Agenda Date: 6/6/01
Agenda Item: III-B

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF BURLINGTON)
COUNTY, INC., FOR A RENEWAL)
CERTIFICATE OF APPROVAL TO CONTINUE)
TO CONSTRUCT, OPERATE AND MAINTAIN)
A CABLE TELEVISION SYSTEM IN AND FOR)
THE TOWNSHIP OF EDGEWATER PARK,)
COUNTY OF BURLINGTON, STATE OF)
NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE99100829

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Township Clerk, Township of Edgewater Park, New Jersey, by Linda Dougherty, for the Township.

BY THE BOARD:

On September 28, 1977, the Board granted General CATV, Inc. ("General") a Certificate of Approval, in Docket No. 767C-6181, for the construction, operation and maintenance of a cable television system in the Township of Edgewater Park ("Township"). On January 24, 1979, in Docket No. 7812C-6428, the Board approved the transfer of the Certificate from General to Futurevision Cable Enterprises, Inc. d/b/a Storer Cable Communications ("Futurevision"). On July 1, 1988, in Docket No. CM8605542, the Board approved an internal corporate reorganization authorizing Futurevision to transfer its assets and Certificates of Approval to Storer Cable Communications of Burlington County, Inc. d/b/a Storer Cable Communications ("Storer").

On August 28, 1990, the Board granted Storer a Renewal Certificate of Approval for the Township, in Docket No. CE89060582. On June 27, 1994, Storer notified the Board's Office of Cable Television that it would now be known as Comcast Cablevision of Burlington County, Inc. d/b/a Storer Cable Communications ("Comcast"). This transaction was an internal reorganization not requiring Board approval. Subsequently, Comcast dropped the name Storer and is now known as Comcast Cablevision of Burlington County, Inc. ("Petitioner"). Although

the Petitioner's Certificate expired on September 28, 1999, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on or about December 24, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On June 16, 1999, after public hearing, the Township adopted an ordinance granting renewal municipal consent to the Petitioner. On July 6, 1999, the Petitioner accepted the ordinance, in accordance with N.J.S.A. 48:5A-24.

On October 20, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. Upon review of the petition, the Office of Cable Television determined that the ordinance adopted by the Township did not comply with the requirements of N.J.S.A. 48:5A-24, -25 and -26 and, therefore, the Office of Cable Television requested that the Township amend its ordinance to comply with N.J.S.A. 48:5A-24, -25 and -26. On February 28, 2001, the Township adopted an ordinance that contained the necessary requirements. On March 14, 2001, the Petitioner accepted the new ordinance in accordance with N.J.S.A. 48:5A-24. On April 18, 2001, the Petitioner filed an amended petition with the Board.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval, the municipal consent ordinance and the amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Office of Cable Television finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 21 Beverly-Rancocas Road in Willingboro Township.
8. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall utilize the line extension policy attached to this Certificate as Appendix "I". The minimum homes per mile figure ("HPM") is 35.
10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application. The Petitioner maintains a system-wide channel for PEG access programming for non-profit groups. The Petitioner provides some production equipment for use by PEG access users.
11. The Petitioner shall provide standard installation and monthly service, free of charge, to schools and libraries located in the Township.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on September 28, 2014.

DATED: June 6, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CAROL J. MURPHY
ACTING PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY